IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 781 of 2005

Between:

Smt. M. Susheelamma, W/o. Venkata Subbaiah,
R/o. Sunkesula Village, OWK Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Nandyal.
3 The Mandal Revenue Officer, Owk Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or order or direction, preferable to the nature of writ of Mandamus declaring the action of the 2nd respondent in suspending the petitioner authorization for the Fair Price Shop dealer of Sunkesula Village, Owk Mandal, Kurnool District by issuing impugned suspension order in Rc.E/3/2005, dt. 4.1.2005 on flimsy and untenable grounds, only by yielding to the political pressures and further action of the 1st respondent in rejecting the stay petition in the appeal by way of non speaking order vide impugned proceedings No.Rc.CS.3/41/2005, dt. 18.1.2005, as illegal, arbitrary and violation of Article 14, 19,21 of constitution of India and consequently set aside the above stated impugned proceedings of the respondents with a further directions to the respondents to continue the petitioner's Fair Price Shop dealer of Sunkesula Village, Owk Mandal, Kurnool district.

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondents No.1 to 3: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorization of the petitioner as a fair price shop dealer was suspended by the second respondent, through his order dated 04.01.2005. Aggrieved thereby, the petitioner preferred an appeal before the first respondent. She also filed an application for stay. The first respondent rejected the application for stay, through his order dated 18.01.2005. The petitioner feels aggrieved by the same and approached this Court.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The first respondent rejected the application for grant of stay. It is true that he did not assign any reasons while rejecting the same. However, at this stage, particularly in an appeal preferred against the order of suspension, the first respondent is not expected to offer detailed reasons. He has already called for records from the second respondent. Having regard to the facts and circumstances of the case, this Court is not inclined to interfere with the order passed by the first respondent. He has already fixed 07.02.2005 as date of hearing.

Therefore, the writ petition is disposed of directing that the appeal be disposed of as early as possible without any undue delay. There shall be no order as to costs.

27.01.2005

ksld

To

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Nandyal.
3 The Mandal Revenue Officer, Owk Mandal, Kurnool District.

4 Two CCs. to the Government Pleader for Civil Supplies, High Court

of A.P., Hyderabad (OUT).

5 Two CD copies.